

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ROBERT PEREZ

Plaintiff

v.

Civil Action No.: 2:04-0581

JUDGE MIKE KELLY, Judge of
Kanawha County Magistrate Family
Court and LINDA ALLEN, Court Clerk

Defendant

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Maurice S. Taylor, Jr., made pursuant to the provisions of 28 U.S.C.A. § 636(b) (1) (B) and entered on February 15, 2005, and having reviewed the record in this proceeding; and there being no objections filed by either plaintiff or defendant; it is accordingly ORDERED that:

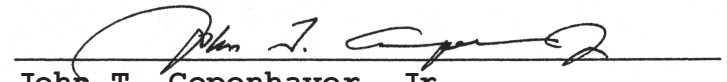
1. The Proposed Findings and Recommendation of the magistrate judge be, and the same hereby are, adopted by the court; and

2. Inasmuch as the plaintiff has moved to voluntarily withdraw all of his claims and defendants have not sought to

oppose or otherwise condition that motion, the plaintiff's motion for voluntary withdrawal be, and it hereby is, granted. This action is dismissed without prejudice.

The clerk is directed to forward copies of this written opinion to the plaintiff, counsel of record and the United States Magistrate Judge.

DATED: April 28, 2005


John T. Copenhaver, Jr.
United States District Judge